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Attorneys for Plaintiff  
Chocalee Mathieu

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

CHOCALEE MATHIEU,

Plaintiff,

v.

CALVARY PORTFOLIO SERVICES,  
LLC AND SPRINT PCS,

Defendant.

Case No.: C 07 5479 MJJ

**PROOF OF SUMMONS**

United States District Court  
NORTHERN DISTRICT OF CALIFORNIA

FILED  
OCT 2 4 2007

SUMMONS IN A CIVIL CASE

CASE NUMBER:

C 07 5479

MJJ

v.

TO: (Name and address of defendant)

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

Richard W. Wieking

CLERK

(BY) DEPUTY CLERK

ANNA SPRINKLES

DATE

OCT 2 4 2007

JOSHUA B. SWIGART, ESQ. (SBN 225557)

HYDE & SWIGART

411 CAMINO DEL RIO SOUTH, SUITE 301

SAN DIEGO CA 92108

619-233-7770

Ref. No. : 0303181-01

Attorney for : PLAINTIFF

Atty. File No. : C 07-05479 MJJ

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA JUDICIAL DISTRICT

PLAINTIFF : CHOCALEE MATHIEU

Case No.: 07-05479 MJJ

DEFENDANT : CALVARY PORTFOLIO SERVICES, et. al.

**PROOF OF SERVICE**

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of the SUMMONS IN A CIVIL CASE; COMPLAINT; SEE ATTACHED LIST FOR DOCUMENTS
3.
  - a. Party served : CALVARY PORTFOLIO SERVICES, LLC
  - b. Person served : CRYSTAL SMITH, AUTHORIZED AGENT  
(CAUC/F/30-40YRS/5'4"-8"/131-160LBS/BLK)
4. Address where the party was served 7 SKYLINE DRIVE  
HAWTHORNE, NY 10532 (Business)
5. I served the party
  - a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on November 14, 2007 (2) at: 04:18 PM
6. The "Notice to the person served" (on the summons) was completed as follows:
  - c. on behalf of: CALVARY PORTFOLIO SERVICES, LLC  
under [xx] Other Limited Liability Company
7. **Person who served papers**
  - a. ROBERT CRANDALL
  - b. KNOX ATTORNEY SERVICE, INC.  
2250 Fourth Avenue  
San Diego, California 92101
  - c. 619-233-9700
  - d. Fee for service: \$149.50
  - e. I am:
    - (3) a registered California process server
    - (i) an independent contractor
    - (ii) Registration No.: 152
    - (iii) County: San Diego

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: November 28, 2007

Signature: \_\_\_\_\_

SEE ATTACHED NOTARIZED AFFIDAVIT

ROBERT CRANDALL

UNITED STATES DISTRICT COURT  
COUNTY OF

DISTRICT: NORTHERN DISTRICT OF CALIFORNIA

Attorneys: MANNY ROSITAS KNOX ATTORNEY SERVICE PH: 619-685-4210

Address: 2250 FOURTH AVENUE SAN DIEGO CA 92101 File No.:

CHOCALÉE MATHIEU

vs

Plaintiff(s)/Petitioner(s)

CALVARY PORTFOLIO SERVICES LLC, ET ANO

Defendant(s)/Respondent(s)

STATE OF NEW YORK, COUNTY OF NEW YORK, SS.:

## AFFIDAVIT OF SERVICE

Robert Crandall, being duly sworn deposes and says: Deponent is not a party herein, is over 18 years of age and resides in New York State. On November 14, 2007 at 4:18PM,  
at 7 SKYLINE DRIVE, 3RD FLR, HAWTHORNE, NY 10532, deponent served the within  
SUMMONS, CIVIL COVER SHEET, COMPLAINT FOR DAMAGES

on: CALVARY PORTFOLIO SERVICES LLC, Defendant therein named.

#1 INDIVIDUAL ☐ By delivering a true copy of each to said recipient personally; deponent knew the person served to be the person described as said person therein.

#2 LLC ☒ By delivering thereat a true copy of each to CRYSTAL "SMITH" personally, deponent knew the person so served to be the AGENT AUTHORIZED of the LLC, and authorized to accept service on behalf of the LLC.

#3 SUITABLE AGE PERSON ☐ By delivering a true copy of each to \_\_\_\_\_ a person of suitable age and discretion. Said premises is recipient's: [ ] actual place of business [ ] dwelling house (usual place of abode) within the state.

#4 AFFIXING TO DOOR ☐ By affixing a true copy of each to the door of said premises, which is recipient's: [ ] actual place of business [ ] dwelling house (place of abode) within the state.

Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, having called thereat

on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_

Address confirmed by \_\_\_\_\_

#5 MAIL COPY ☐ On \_\_\_\_\_, deponent completed service by depositing a true copy of each document to the above address in a 1st Class postpaid properly addressed envelope marked "Personal and Confidential" in an official depository under the exclusive care and custody of the United States Post Office in the State of New York ☐ and Certified Mail # \_\_\_\_\_

#6 DESCRIPTION ☒ A description of the Defendant, or other person served, or spoken to on behalf of the Defendant is as follows:  
(use with #1, 2 or 3) Sex: Female Color of skin: White Color of hair: Black Age: 30 - 40 Yrs. Height: 5' 4" - 5' 8"  
Weight: 131 - 160 Lbs. Other Features: \_\_\_\_\_

#7 WIT. FEES ☐ the authorized witness fee and / or traveling expenses were paid (tendered) to the recipient.

#8 MILITARY SRVC ☐ Deponent asked person spoken to whether the recipient was presently in military service of the United States Government or of the State of New York and was informed that recipient was not. Recipient wore ordinary civilian clothes and no military uniform.

#9 USE IN NYC CIVIL COURT ☐ The language required by NYCRR 2900.2 (e), (f) & (h) was set forth on the fact of said summons (es).

#10 OTHER ☐

Sworn to before me on November 15, 2007

WENDY RESNICK  
NOTARY PUBLIC, State of New York  
No. 01RE5067464, Westchester County  
Commission Expires Oct. 15, 2010

Robert Crandall

Server's Lic # 0955171

Invoice/Work Order # 07029984

DOCUMENTS TO BE SERVED

SUMMONS IN A CIVIL CASE; COMPLAINT; CIVIL CASE COVER SHEET; ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES; STANDING ORDER; STANDING ORDER FOR CASES INVOLVING SEALED OR CONFIDENTIAL DOCUMENTS; CONTENTS OF JOINT CASE MANAGEMENT STATEMENT; ECF REGISTRATION INFORMATION HANDOUT; U.S. DISTRICT COURT, SAN FRANCISCO; DROP BOX FILING PROCEDURES; NOTICE OF AVAILABILITY OF MAGISTRATE JUDGE TO EXERCISE JURISDICTION; NOTICE OF LAWSUIT AND REQUEST FOR WAIVER OF SERVICE OF SUMMONS